P. F. 35 1/93

G. R. S. IX-5

Previous references.

1892-93

192 .

(K. K')

File No 136 of 92

Serial Nos 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial No. 1-5

Major Part B for December 1893

Appeal of Kola Siddo Savda and other
of Kammanahalli, Mysore Taluk
Regarding a grant of land in the said
village

Countermanded
Rd
Returned

117

Dn No 132 of 1894-95

Appt

Kale Gowda
& others of
Rammanahalli
Mysore Taluq
Represented by 1st grade Pleader
Srikantaiah

Respt

Nagi Gowda

Respt obtained on Darkast a piece of land [Kolagas 3 — 8 ½ Padres] assessed at Rs 1-1-4 and ever since has been keeping it waste. In 1892 he cultivated it & the appellants the villagers complained about it. & Respt states that the ground was required for communal purposes. The Dy Com who personally inspected the land does not see reason to disturb respts possession & dismissed the complaint & the Complaints against the orders.

~~It is hearing on appellants reasons~~
~~has been shown by the~~

Appts have no right whatever to the land under notice, & the Dy Com's order

2

Satisfied that objection found
& the Respt
can possibly cause
no convenience to them
the appeal will be
dismissed —

MP
1/12/19

1/-

Visit —

Pls as informed
that their appeal has
been dismissed they
have brought to H Court
& also found to the Respt
could cause any
inconvenience to
them.

MP

1/-

4 No.

11 4 000
1 33 000
2 47 000
600 000
250
350

H Dy Govt
as satisfied that

X S

or rather a small ~~land~~
Kattle which contains water
during during the rainy weather
but dried up & the land
is dry & hot, there is
sufficient dry ground
which is never under
water which has been
used as pathways
for the villagers, cart &
cattle This the villagers
dug up & deepened
hope may ~~no~~ be sufficient
to ~~as~~ to remove all
evidence But I had
seen it once before
Lebang visited the
locality The Chief
Jotham reported to me

6 ½

The behind used for ~~[illegible]~~ keeping head
boards when resting Mare
is one on the road side
of the South and another on the
side of the land There
are 3 trees in the bed
of the Creek without
any indication of having
been under water —
There is a tree much
larger in extent than the
land in the Creek bed
reaching behind the
head of the Kattle &
which a foot path
leads from the north
of Kattle ... which at ends up at
the Road

fact - His complaint
is a ~~fact~~ fictions one
~~&~~ made from interested
motives and there is
no reason for fort
interference Men
who will accordingly
be rejected

The villagers have
deepened the margin
of the tanks instead
of removing ~~the~~ silt
and have thrown it
on the Road side
blocking the road
drain & the harm

10 24

The village May have
done so without knowledge
& ~~consent~~ Mislead me
in my investigation Such
knowledge misleading of mis-
representation the corporate
officers Took The amendment
Will see the Restrictions
removed; for if the
Applicant is to do so, ~~they~~
~~do~~ it is for the interest
of their municipal government
according to law.

A Ramaswamy
DC

19/12

(5)

GPB—10,000—12-7-15

G. R. S. 34]

No.....

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

( )

Office Memorandum.

To

the 191

X 12

Rev. Mis. appeal No. $\frac{132}{492\text{-}93}$ of 1893

Appellants	Respondent
1 Kala Sidde Gowda	Joji Gowda
2. Kale Gowda	Resident of the same village

Residents of Kalavadi attached to Hanuman Halli - Mysore Taluk.

This is an appeal against the order of the Dy. Commissioner - Mysore District in the matter of a dispute about a piece of land in the holding of the respondent.

On the 10th November 1892 Kale Gowda & other raiyats of Kalavadi [illegible] complained to the Amildar - Mysore Taluk that one Joji Gowda was unlawfully [illegible] a piece of land, Survey No. 284, situated in the said village kept for grazing purposes to the great detriment of the villagers & their cattle & that when questioned by them he stated that the land belonged to him, and requested that the Amildar [illegible] might be personally inspected and its boundaries might be [illegible] & the [illegible] offered that it may be available for the use of the villagers as it has hitherto been [illegible]

needs & if this was not practicable the portion of the land might be transferred to their name jointly. The Collector gave a notice to Josi Gowda to be present at the Enquiry to be held in the matter on the 12th instt.

Josi Gowda also presented a petition 12-11-91
to the Collector stating that owing to a Caste dispute Kalasi lde Gowda & others have complained against him, that according to them the village cattle do not stand in this land, there being an exclusive tope, Survey No. 292, ~~to~~ below the tank for the purpose -

Both parties were examined on the
18th November 91, the ~~respondent~~ applicant 18-11-91
stated that on asking ~~the~~ Josi Gowda the authority ~~was~~ which he required to cultivate the land ~~was~~ in dispute, he stated he obtained it for Kandayam about 10 or 15 years ago, that the land was not only used by them from time immemorial for stacking their own for threshing purposes but the village cattle allowed to stand there, it was also used for holding fairs and it would be a great help to them if the Kandaya of the land was [illegible] written off

5 66

they had sent about 20 years ago
to sell it and that he had sold
the field to Jonathan Jones and
Nicholas Phillips. The said Jonathan Jones
visited the said Nicholas and found
the said Nicholas Jones sowing Rye
-seed on the said piece of land
-respect that Jonathan Phillips had
the distributed of the property of the
land.

On the 1st February 20. the said
Jonathan Jones instituted this suit
for the said piece of land Jonathan
and in reply he inserted that he
do fully agree, that the said Nicholas
respected Richard, but there was
information that he fully entered
into the said piece of land
with force, against the will
of the said Jonathan Jones and
now that he is dead and his
widow and that in case he
were dead the proceedings should
be discontinued against his heirs.

On the 2nd August 20 the said
Jonathan Jones recorded his

the Patwari land in company with the Builder - He examined the Appellants and the Hindu lyle on the 14th. The former reiterated their pre-vious statements made before the Builder and the latter corroborated them and added that the patta of the land was in the name of Jogi Gowda. From Belami it is therefore Inaji and being made inalienable -

On the 17th August 92 Jogi Gowda submitted a petition to the Dy. Commissioner representing that during his absence the Assistant Commissioner and the Builder came and inspected his land and heard the appellants who there gist misrepresented facts to serve their own end and requesting that if he inspected the land he would corroborate his statements.

On the 19th December 92 the Special Assistant Commissioner Sir Krishnaiyar submitted a memorandum with an extract from the village map to the Dy. Commissioner recommend-ing that as the Patwari land being Inaji, close to the village and used

applied to them and there and the same was not used for the same - the respondent with the help of the headman without the knowledge of the appellants got the patta of the land and kept the fact in secret without entering into the land as pattadar.

8. That the appellants are ready and willing to give him in exchange adjacent land in the holding, fairly kept equal or more than the land in dispute as it is necessary for the villagers to have it as common for the purposes mentioned in para 6 of the appeal petition or to pay any reasonable com-pensation as honourable court pleases to fix.

9. That the villagers could not for one moment live in the village without having that land as common for their use and for the benefit of their cattle.

10. If the land in dispute were to be confirmed to the respondent for cultivation as he intends to do the water of the kunta would be polluted by the manure during the rainy season and thereby become useless for the villagers and their cattle; and in course of time the kunta also would be filled up and there would be no water afterwards during the hot season.

11. And the Court finds that in the fact
of the said Franks, the Appellant knowingly
kept that Immovable Court to keep it
as thing before and in their possession
possession with the object that
this Bill permanent which the
Appellant was ready and willing to.

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 2412/R
DATE 17-3-93

Box
Petitions
(Misc)
1893

29

Rs 1
Rupee
Stamp

In the Court of the Personal Assistant
to His Highness the
Maharaja of
Mysore.

A.S. No 132
92-93

Rev. Suit Appeal No 07-93.

Appellants.
1. Kalachinpada
2. Kalijeevala & 4
Others
Residents of Kalakana Hosur
Ramanamallikunte
Varadur Hobli
Nagamangala Taluq
Mysore District.

Respondent.
Jogi Gowda
Resident of
the said
Village.

The Appellants
above named most respectfully
beg to file this Appeal Petition
before the Court Against the

the order of the Deputy Commissioner dated 2-4-93 for the following

Grounds

1. That the order of the Deputy Commissioner is against the Manual.

2. That the order of the Deputy Commissioner deprives the petitioners and the petitioners animals of the drinking water in the village.

3. That the petitioners & in the order is the private property of the petitioners (villagers) and it contains water during the hot season and which is chief means of living for villagers and cattle of the said village.

4. That the observation made by the Deputy that the villagers have drinking water in the tank is not correct; the villagers - family removed the silt from the tank as there is no water source.

5. That the petitioners land have not encroached the land of 284 per

adjacent land in the Kaffir Farm
Expt Square or more than the land adjacent
C. C. is necessary for the Villages thereon
if the Commissioner for the purposes mentioned in
Para 6 of this Agreement relating to Farm
Army Reasonable Compensation to be given
Compliance of Cl 25

9. That the Villages could not for
one moment dare in the future
contend that land in Common
for their use and for the benefit of
their Cattle.

10. If the land in dispute were to
be confirmed thereto without
for Cultivation &c as he intends this
the water of the water-pond be
polluted by the Natives & during the
rainy season & thereby become unfit
for the Villages & their Cattle. And
in case of time the water should
be filled dirt and there would be no
water again next rainy season.

11. As the Natives of the Lands in dispute
Owners & Guardians, Residents & Family
by this Peremptory Court & their
Agents as if none undertaken
of VI. Land & Commissioners Report
Orders &c, meant the Residents
which the Natives & Family
Willing to do.

12. For the Reasons Natives Residents by
this Peremptory Court & Decree the Orders
of the Deputy Commissioner and Report
Orders respectively Court Natives Natives

Pet
1265

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM

The accompanying Petition No. 24/12

dated 15—3—93 received at the

Dewan's Office from Sara Sidde Gowda

and others of Kalkatanahalli Hundi

attached to Ramanakatte, Huskur

Quirk, appealing against the order

passed by one Dyavaiya, A. A. C. regarding

L. R. 136 of 1891-92 of the said village,

L. R. 136-92-2

is forwarded, together with its one

enclosures, to the Deputy Commissioner

Bangalore District, for submission of

report with a report on the facts

of the case on the limits urged

in the petition.

2. The petition with its

enclosures will be returned

By Order,

draft

Chief Secretary.

BANGALORE, 31 March 189

S.V.R.

M. G. C. P. Bangalore.—21-11-92—3,000.

From the date No. 1551 3/5/93.

No. 1331

Vide petition with its Enclr. and Enclosed records - 3

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT.

Dated Mysore 30 May 1895

28

From

H. Nagarathna Gowda Esqr

Deputy Commissioner,
Mysore District.

To

The Chief Secretary to the Dewan of Mysore,

SIR,

With reference to your official Memorandum No. 1210 dated 5th March, forwarding for enquiry and report the proceedings, petition from Kale Gidde Gowda and others of Kadakolana hunsi attached to Kanakanahalli in Yelandur Taluk, praying that the hereditary Shanbogue service connected with the same.

The enquiry I have, and my order in detail will, I hope, explain the circumstances under which the Sayarasi Chitpadi to the Complainants, 5 years ago, was confirmed by me.

I have the honor to be
Sir
Your most obedt Servant

Deputy Commissioner

Compd
Wm. MM

Before the Government of *His Highness* the Maharaja of Mysore.

29

Appeal No. 132 of 1892-93

Appellant. Vs. Respondent.

1. Kalegowda and others of Rammanahalli, Mysore Taluk, represented by 1st grade pleader Seetharamiah

Jogi Gowda

L.R. 136-92-4

Decision, 2nd December, 1893

Respondent obtained, on Darkhast, a piece of land (3 Kolagas Pādis — 3½ or 2 — 12 acres assessed at Rs. 1-1-4) and has ever since been keeping it waste. In 1892, he cultivated it on which the appellants, the villagers complained about it and stated that the ground was required for communal purposes. The Deputy Commissioner who personally inspected

the land, saw no reason to disturb Respondent's possession and dismissed the complaint, and the appeal is against this order.

2. Appellants have no right whatever to the land under notice, and the Deputy Commissioner being satisfied that its grant to the Respondent can possibly cause no inconvenience to them, the appeal will be dismissed

By order

Returned
9896 of
for 60-93 22/12/93
Chief Secretary

Copy to the Deputy Commr. Mysore Dist with the ver: proceedings received with his letter No 1331 of 3rd May 1893

By order

Chief Secretary

SV

Prepared/ sent 23/12/93

Memo.

I have inspected the Talkar land (an extract from the village map is attached). It is survey No 284 marked in red ink, by the side of Mysore-Madahulli road, 1/4 Guntas bearing an assessment of 8 annas. It is in the Khata of Jogi Gowda. The ryots of Kalideenahoondi object to the exclusive possession of it by the Khatedar Jogi Gowda. Their contention is that the piece of land has always been a threshing ground close to the village and common to all the villagers, that it has been used as "Jatre Mala" and "Turimunde" where the village cattle come and stand when they come to drink water in the "Katte" (No 283) adjoining it and that there are two platforms therein which are used as dais for their Gods when taken out in procession. This piece of ground has always been in "bunjer" and never cultivated. In one corner there are manure pits of the villagers, in the centre 3 threshing floors, and two stone platforms close to the katte, one of them with

a tree in the middle. But it has been in the holding of Jogi Gavda since 1877-78, and he has been regularly paying the Kandayam which was v. l. q before the Settlement. The raiyats represent that they were not aware of the land having been registered in the name of Jogi Gavda, until he began last year to put up a hedge and took possession yet. I proposed to the Khatedar that he should give up this small piece of land for the benefit of the whole of the villagers. He is not to do so though the villagers agreed to pay him the total Kandayam he has paid. I believe the villagers will be put to inconvenience if Jogi Gavda is allowed to prevent them from making use of it as they have done hitherto. It is also used as cart stand by the travellers being situated so close to the Kattle, road and the Village.

I recommend that the land may be acquired by Government and reserved for the public use of the villagers.

Khabeer
2nd Asst Commr
Mysore Dist.

19.12.92

I have also carefully inspected the land the village and all surrounding lands. The villagers have got up this hedge & cultivation from 3rd after the Mysore Settlement. Though the sketch shows the tank & [illegible]

~~all cattle~~ and the
way to the ~~South~~ lands lying South
north of the village lies
through this tree.
Cattle going this South
can drink water in the
Kattle ~~from~~ in the Northern
side and stop in the
tree — The footpath
from the Kattle of the
village is ~~stop~~ stopped
and no carts can
generally go. The cattle
cannot water very
great difficulty there
draw water from
from the dry parts
land up the village.

The canoe road of the
village is of the most
of this as will be seen
in the sketch. There
are lots of dog-lands
round the houses
in which people can
~~keep their~~ keep
canoes & thereby save
they may use the tide
of the Ends of the Kettle for the
The holder has been in
hand for the last 65 yrs
without any complaint
and the Natives of the
who lead the Apron
were and who has
been ignorant of

and the land treated as Banyar -
~~an~~ Jofi Jowda states that he obtained the land for Kanday ~~an~~ during "Shah Eswara" - since then he has been using it both as a Herashing & grazing ground & that, if required, he would cultivate it hereafter, but would not give it up as desired by the Rayals. ~~and the Inadar~~ The Amildar directed that the Records should be searched to ascertain when the land was granted to Jofi Jowda -

On the 28th November the appellant submitted another petition to the 3d Assistant, complaining repeating their complaint - It was referred to the Amildar for report as to the authority under which Jofi Jowda Enclosed and cultivated the land under dispute and if it was granted to him without the knowledge of the Rayals he should be directed not to do anything with it till inspected by him -

The Amildar having personally inspected the Cultivated land reported on the 15th December 92 that there were two factories in the Village, ~~and~~ that the

party representing Josi Powda stated that the land was obtained by him long time ago and it is in his enjoyment since then and that the opposite party represented that they were ignorant when the land under dispute was granted to Josi Powda -

The General Assistant Commissioner thereupon directed the Amildar on the 20th December 91 to enquire & ascertain as to the genuineness of the statement of the Villagers as to the existence of a Katte built with stone in the land - Whether a fair in honour of Bere Devaru was being held there annually, whether the Payals used to stack their corn for threshing purposes and whether the Village cattle Graze there.

On the 30th January 92 the Amildar reported that there was no Katte built with stone in the Kallarar land excepting the one outside it; there is an Extensive tope below the Katte for cattle to Graze on; the Villagers say that as they have been using the land for threshing purposes their grain should not be given to Josi Powda - As regards the well

by the Villagers as a common property for cattle to stand on and for stacking their corn for threshing purposes & well adapted for holding annual fair it may be acquired by Government and reserved for the public use of the Villagers.

The Dy. Commissioner differing from the views of the Assistant Commissioner ordered on the same day that there was no reason for Government interference as the complaint was frivolous and set up by the Patel and others thereon his zid and interested motives and directed the Amildar to cause the mud thrown on the roadside blocking the road, drain & the passage of the Village to mukadam therein in his inspection, removed by the Villagers.

Grounds of appeal.

1. That the order of the Dy. Commissioner is against the Manual.

2. That the order of the Dy. Commissioner seriously injures the feelings of the appellants as well as their living in the Village.

3. That the Kalle referred to in the order is the private property of the appellants (Villagers) and it contains water during the hot season and which is their means for living for Villagers and Cattle den of the said Village.

4. That the observation made by the Dy. Commissioner that the Villagers newly dug up the Kalle so as to obliterate the boundary marks is not correct; the Villagers simply removed the silt from the Kalle as there was water famine.

5. That the respondent had never enjoyed the land No. 284, nor had he possession of the same at any time. That the pattadaar in his name was never before known to the appellants till the dispute arose about a year ago.

6. That the appellants have jointly been using this land close to the Kalle, for cattle-stand after they drank water in the Kalle, for their way to the Kalle from the Village, for the procession of the Village God and for threshing floor.

7. If the appellants had known that the respondent had applied for the land they would have certainly

nor had he possession of the same at any time. That the Rulla & Kindrup in his name was never before known to the Appellants till the dispute arose about a year ago.

6. That the Appellants have for many years used their land close to the Halle, for Cattle-Stand after they drank water in the Halle, for their way to the Halle from the Village, for the procession of the Village and for threshing flour.

7. If the Appellants had known that the respondent had applied for the land they would have certainly objected then & there, and he would have got the same. The Respondent with the help of the then Sharbogne without the knowledge of the Appellants got the Patta of the land and kept the fact in secret without entering into the land as pattadar.

8. That the Appellants are ready & willing to give him in Exchange any

(General Serial No. 30.)

189 .

From

The Deputy Commissioner
Mysore District.

To

The Chief Secretary to the Dewan of Mysore.

L.R. 136-92-3

Dated 3? May 1893.

Despatched

Received

Enclosures No. Petition No. 2412 with 1 En. & Canarese records.

General No.

No. 1331

Submitting as called for the records connected with the petition from Kala Siddā Gowda and others of Kala: Siddanahundi attached to Ramanahalli, Mysore Talub.

Petn Br. Omrs 6/5

Posted to 30th November 93

13/11

cyo-0330-90-3058
22-12-1/93

2412

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,

19 December 1893

22-

Endorsement granted to Kalegowda and others of Rannamahalli, Mysore Taluk, (by Mr Setharamiah 1st grade Pleader

in reply to his Petition Registered No. 2412 dated 15-3-93 appealing against the Dy: Commrs: order regarding S. No 284 and a Katte in the said village

L.R. 136-92-5

Petitioner is informed that ~~there appeal~~ have been dismissed They have no right to the land and the Deputy Commissioner is satisfied that its grant to the Respondent cannot cause any inconvenience to them

2. The enc: is returned.

19/12/93

"By Order"

Receipt -

Chief Secretary.

SK

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.